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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 74 OF 2007

Mr. Sagar Govindram Gangwani ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Sudhir Halli for applicant.
Ms. R.M. Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : January 23, 2007.

P.C.:

1. The applicant is accused no.1 in Sessions Case No. 260 of 2006 with his mother as accused no.2 and she has been also released on bail. The applicant filed an application under Section 439(1) of Cr.P.C. for being released on bail during the pendency of the trial. Charge-sheet has been filed on 10/11/2006 for the offences punishable under Sections 376, 363, 384, 342, 323 read with Section 34 of IPC. The complainant Nisha in her complaint dated 18/9/2006 stated that on 16/9/2006 she was kidnapped by two women, taken to a hut and was confined for two days during which she was subjected to sexual intercourse by the present applicant under force and threats of intimidation. Her supplementary statement was recorded on 28/9/2006 in which she appears to have changed her statement

contending that she does not remember the place where she was taken, she does not remember whether she was kidnapped by the accused no.2 along with any other woman and she also does not remember whether accused no.1 raped her. It does appear that the accused no.1 and the complainant were working together and they are known to each other. The father of the complainant suspects that complainant is in love with accused no.1. The medical report indicates that she is above 21 years of age and used to sexual intercourse.

2. Under these circumstances, this application succeeds and the same is hereby allowed. It is directed that the applicant be released on bail forthwith on furnishing a PR bond in the sum of Rs.5000/- with two solvent sureties in the like amount on the condition that he shall remain present before the trial court as and when required and he shall not leave or change his residential address unless informed to the police in advance in writing.

(B.H. Marlapalle, J.)